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AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Alstyne, et al. : DECISION ON PETITION
Application No. 09/489,850 :
Filed: January 24, 2000 :
Dkt. No.: 51916/107 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 3, 2005 for failure to timely submit a proper reply to the Office communication mailed July 2, 2005. The Office communication set a one month shortened statutory period of time for reply. No extension of time in accordance with 37 CFR 1.136(a) was timely requested. Notice of Abandonment was mailed March 1, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the request for two month extension of time submitted herewith was filed subsequent to the maximum period obtainable for reply, this fee

is unnecessary. Petitioner may request a refund of the previously submitted \$1,080.00 extension of time fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The requested power of attorney has not been entered as it has not been properly executed by all inventors. All future correspondence regarding this application will continued to be mailed to the correspondence address of record until proper instruction and supporting documentation is submitted to the contrary.

This application is being directed to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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